

REMARKS

Summary

Claims 12 and 14-24 are pending in this application. Favorable reconsideration and allowance of the pending claims are requested. Claims 23-24 are currently withdrawn from consideration.

Claim Rejections - 35 U.S.C. § 112

Claims 12 and 14-22 stand rejected under 35 U.S.C. § 112, first paragraph. In this amendment, claim 12 has been amended to clarify that “insulating fibre in one or more of the second windings is adjacent a surface of the fusible wire of a pair of successive first windings.”

Support for this amendment can be found, for example, at FIG. 2, which depicts an insulative fiber 3a adjacent a surface of a pair of windings of fusible wire 2A and 2B. Accordingly, the amended claims should be in compliance with all the requirements of 35 U.S.C. § 112. Applicants respectfully request therefore, that the rejection of claims 12 and 14-22 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claim 12 stands rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,523,172 to Drothen et al. (hereinafter “Drothen”). Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

The factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure, either implicitly or inherently, of each element of a claimed invention in a single reference. Moreover, the anticipating prior art reference must describe the recited invention with sufficient clarity and detail to establish that the claimed limitations existed in the prior art and that such existence would be recognized by one having ordinary skill in the art. Absence from an allegedly anticipating prior art

reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible, Inc., 793 F.2d 1565, 1571 (Fed. Cir. 1986) (emphasis added).

Applicant submits that Drothen fails to teach each and every element recited in claim 12 and thus defines over Drothen. For example, Drothen fails to teach a fusible wire wound about and in direct contact with the core forming a plurality of first windings, as recited in amended claim 12. Moreover, Drothen fails to teach the additional feature wherein “insulating fibre in one or more of the second windings is adjacent a surface of the fusible wire of a pair of successive first windings.”

As an initial matter, Applicants respectfully submit that Drothen fails to teach the recited feature of an electrically insulating fiber wound around about [a] core forming a plurality of second windings, let alone the complete combination of features recited in claim 1. The elements 10, 11 of Drothen relied upon by the Examiner are a hollow silicone sleeve and an insulating fabric, respectively, each wrapped around a wire 7, not an insulating fiber that forms a plurality of second windings, as recited in claim 12. Moreover, as is readily apparent from inspection of the Figure 3b, the fusible wire 7 of Drothen cannot be in direct contact with the electrically insulating core because the fusible wire (fuse element 7) is covered by the silicone sleeve 10 and fabric 11. Finally, the second windings of insulative wire (either elements 10 or 11 according to the Examiner) of Drothen cannot be adjacent a surface of the fusible wire of a pair of successive first windings. As depicted at FIG. 2, the insulative wire (fabric 11) of Drothen is clearly adjacent other insulative fabric 11 in an adjacent winding, not adjacent fusible wire (fuse element 7), which is encased inside the fabric 11 and silicon sleeve 10.

Absence from Drothen of the above-mentioned claim elements negates anticipation. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 12.

Claim 12 also stands rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 3,486,155 to McCaughna (hereinafter “McCaughna”). Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant submits that McCaughna fails to teach each and every element recited in claim 12 and thus defines over McCaughna. For example, McCaughna fails to teach at least a fusible conductor having “a fusible wire wound about and in direct contact with the core forming a plurality of first windings.”

As clearly disclosed in McCaughna, the “insulating fiber” relied upon by the Examiner is a Kapton polyimide ribbon 10, upon which are deposited ribbons of silver 11 (McCaughna, column 2, lines 7-21). While the polyimide ribbon 10 may be wrapped around a core, the silver ribbons 11 are disposed on the outer surface of the polyimide ribbon (McCaughna, column 2, lines 25-26: “the silver ribbons on the outside”), and therefore not in direct contact with the core. Accordingly, McCaughna fails to teach at least this element of the amended claim 1.

Absence from McCaughna of the above-mentioned claim elements negates anticipation. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 12.

Claim Rejections - 35 U.S.C. § 103

Claims 14-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Drothen taken alone. Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the rejection. As an initial matter, Applicants note that claim 23 is not believed to be currently under consideration. However, Applicants include discussion of claim 23 in the remarks below to the extent that claim 23 stands rejected in this Office Action.

Applicant respectfully submits that claims 14-23 are not obvious and are patentable over the cited references for reasons analogous to those presented with respect to independent claim 1. If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Since claims 14-23 depend either directly or indirectly from independent claim 12, these dependent claims are not obvious and are patentable over the cited references. Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection

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with respect to claims 14-23 that depend from claim 1, and therefore contain additional features that further distinguish these claims from the cited references.

Conclusion

It is believed that claims 12 and 14-22 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

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Under 37 CFR 1.34(a)

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